

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

BETTY L. MOORE

PLAINTIFF

VS.

CIVIL ACTION NUMBER: 3:09-cv-528 DPJ-JCS

WAL-MART STORES EAST, LP

DEFENDANT

ORDER

This cause is before the Court on Defendant's Motion to Dismiss for Want of Prosecution [11]. On December 21, 2009, the Court granted Plaintiff's counsel's motion to withdraw and ordered Plaintiff to have her new counsel enter an appearance or otherwise to inform the Court of her intent to proceed *pro se* within 30 days. This deadline passed on January 20, 2010, with no response from Plaintiff. On January 21, 2010, Defendant moved to dismiss for want of prosecution. Once again Plaintiff failed to respond, and her time for response passed on February 4, 2010.

This Court has the authority under Rule 41(b) of the Federal Rules of Civil Procedure and under its inherent authority to dismiss this action for Plaintiff's failure to prosecute and failure to comply with orders of the Court. *See Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Larson v. Scott*, 157 F.3d 1030 (5th Cir. 1998); *McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988). Such a "sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars" of the Court. *Link*, 370 U.S. at 629-30.

IT IS, THEREFORE, ORDERED that Defendant's motion is granted and this case is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority.

SO ORDERED this the 10th day of February, 2010.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE